

REMARKS

The Claims

Claims 29-34, 36, and 45-47 stand rejected as anticipated by U.S. Patent No. 6,317,544 (“Diehl et al.”).

Claims 1-11, 14-15, and 28 stand rejected as obvious over the basic combination of Diehl et al. and U.S. Patent No. 5,222,152 (“Fishbine et al. ‘152”).

Claims 1, 11-13, 16-22, 23-27, and 39 stand rejected as obvious over the basic combination of Diehl et al. and U.S. Patent No. 5,467,403 (“Fishbine et al. ‘403”).

Claims 35 and 40-43 stand rejected as obvious over Diehl et al. in view of U.S. Patent No. 4,917,987 (“Arndt et al.”).

Claims 37 and 38 stand rejected as obvious over Diehl et al. in view of U.S. Patent No. 6,011,860 (“Fujieda et al.”).

Applicants’ Invention

Applicants’ invention, in one configuration, is directed to a method of real time identification and verification of the identity of a person using a portable handheld device. The method calls for capturing an image of a fingerprint at a portable handheld device while the portable handheld is handheld. The method further includes transmitting a fingerprint image that satisfies a predetermined quality level to a central processor for processing. The fingerprint image is processed to determine if there is matching fingerprint information in central data storage. Data from the central processor relating to the processed fingerprint image is received at the portable handheld device, and the received data is displayed on a display of the portable handheld device.

Applicants' invention, in another configuration, is directed to a portable apparatus for identification and verification of a fingerprint. The apparatus includes a housing and a user interface for the housing. The user interface includes at least a display and a finger receiving surface to receive an image of a fingerprint while the apparatus is being handheld. A sensor, a processor, and a transmitter are located within the housing. The transmitter transmits a fingerprint image to a central processor for identification and verification. The processor is configured to receive data from the central processor relating to the processed fingerprint image, and the display is configured to display this data to a user of the apparatus.

The apparatus of Applicants' invention, in yet another configuration, includes a housing having an ergonomic handle that provides for one hand operation and command of the functions of the apparatus. A user interface is attached to the housing for data input, display, and receipt. The user interface includes at least a finger receiving surface for receiving images of a fingerprint while the apparatus is being handheld and buttons for data entry and command execution.

The Art

Diehl et al. discloses a lunchbox computer 70 that includes several parts that move independently and require both hands and a stable surface to use. (See Fig. 5). Specifically, a front panel 85 of the lunchbox computer folds down from an upright and locked position to reveal a display screen 95 and a keyboard 80. Likewise, a back panel 90 folds down to permit access to a radio telephone 40, a color camera 55, and a fingerprint scanner 60. The lunchbox computer must be positioned upon a surface to allow the front and back panels to be folded down. The use of the lunchbox computer and keyboard requires both hands, and the lunchbox computer must be on a

stable surface in use. The system also requires an operator to position an individual's finger on the fingerprint scanner. (See Col. 11, lines 10-26).

Fishbine et al. '403 discloses an image collection unit 10 having a writing surface 58 and a keypad 25. A user interface surface 59 contains the keypad and a display 26. The writing surface includes a clip (not shown) for clipping a tablet of citations to the writing surface. The image collection unit is shaped like a relatively thick clipboard. The image collection unit also includes a finger receiving surface 40 of a fingerprint scanner 12 in its front end surface 56. (See Col. 4, lines 38-58). The unit must be on a stable surface so that both hands can be used in its operation.

Fishbine et al. '152 is directed to a portable fingerprint scanning apparatus 10 that can optically scan and record fingerprint images. The apparatus 10 includes a fingerprint scanner 12, a video camera 20, a video monitor 26, a transmitter 30, and a terminal 28. The fingerprint scanner 12 includes a finger prism 14 and an image recorder 18. Fingerprint images generated by the fingerprint scanner 12, that is, the video signal output of the image recorder 18, can be displayed on the video monitor 26 and transmitted by the transmitter 30 to a mobile unit (not shown) for processing. (Col. 3, lines 19-22). Upon receiving a signal from the terminal 28, the mobile unit digitizes and processes the fingerprint image. (Col. 4, lines 42-45). After image processing and compression at the mobile unit, the image can be transmitted wirelessly to a base unit at a central location for identity verification using an automated fingerprint identification system, such as the FBI's National Crime Information Center Network. (Col. 4, lines 45-51). The monitor 26 may also be used to preview a "mug shot" image generated by the camera 20. (Col. 4, lines 61-64).

Applicants' Invention Is Not Anticipated Nor Would It Have Been Obvious

The devices of Diehl et al., Fishbine et al. '403, and Fishbine et al. '152 do not permit the capture of a fingerprint image at a portable handheld device while the device is being handheld. Thus, these references do not anticipate Applicants' claimed invention, nor would they have rendered Applicants' claimed invention obvious.

Diehl et al.'s device has several parts that move independently and require both hands and a stable surface to use. As described in Diehl et al., the front panel 85 folds down from an upright and locked position that covers the display screen 95 to a downward position which reveals the keyboard 80. Likewise, the back panel 90 folds down to permit user access to the radio telephone 40 and the fingerprint scanner 60. (Col. 11, lines 17-22).

Diehl et al.'s lunchbox computer must be positioned on a flat surface to allow the front and back panels to be folded down. Diehl et al.'s device also requires an operator to position an individual's finger on the fingerprint scanner. The initiation of "search and enroll" brings up a screen that prompts the operator to place an individual's left index finger on the fingerprint scanner. The screen then prompts the operator to place the individual's right index finger on the fingerprint scanner. (Col. 3, lines 27-31). Furthermore, the use of the keyboard requires both hands.

The inability to hold and operate the device with only one hand and the inability to capture a fingerprint image while the device is being handheld can expose the operator to substantial risk. Therefore, Diehl et al. does not teach or suggest the portable handheld device or method of Applicants' claimed invention.

Fishbine et al. '403 was cited as an example of a device that has "an ergonomic handle formed thereon that provides for one hand operation and command" However, there is no disclosure in Fishbine et al. '403 that a fingerprint image may be captured by that device while it is

being handheld. As noted, the top surface 54 of the image collection unit 10 includes the writing surface 58 and the user interface surface 59. The user interface surface contains the display 26 and the keypad 25. The writing surface 58 includes the clip for clipping a tablet of citations to the writing surface. The front end surface 56 includes the finger receiving surface 40 of the fingerprint scanner 12.

In operation, the image collection unit 10 is carried, for example, by a police officer to a scene of an investigation. Persons to be identified are photographed and fingerprinted. The resulting images are transmitted to a base unit 8 in a patrol car. From there, the information can be compressed and sent to a police station for comparison against existing mug shot and fingerprint images. (Col. 5, lines 1-8). Operation of the image collection unit 10 requires that it be set upon a stable surface, such as a hood of a patrol car, so that both hands can be used in its operation.

Fishbine et al. '152 discloses a portable fingerprint scanning apparatus which includes optical and electronic components similar to that of Fishbine et al. '403. Like the other cited references, Fishbine et al. '152 fails to disclose a portable fingerprint scanning apparatus that enables the image of a fingerprint to be captured while the portable handheld apparatus is being handheld.

Conclusion

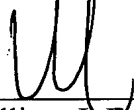
In view of the foregoing, it is submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 267-4106.

Please apply any other charges or credits to deposit account number 50-388 (Order No. IDTXP044).

Dated: 7/30/07

Respectfully submitted,
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